

## SECTION 8: IMPROVEMENTS PROCEDURES

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### A. Improvements.

1. General: It shall be the responsibility of the subdivider to comply with the following procedures and standards for the installation of subdivision improvements.
2. Plans and Specifications: Engineering and survey plans, specifications and reports required in connection with public improvements and other elements of the subdivision required by the Commission shall be prepared by an engineer or a registered land surveyor as their respective licensing laws allow.
3. Scope of Work: The intent of these Regulations is to provide standards by which the contractor and the subdivider shall execute their respective responsibilities and guarantee proper construction and completion in every detail of the work in accordance with the plans, specifications and terms set forth under these Regulations.

The subdivider shall furnish the plans, specifications and typical section for approval by the Road Department. It shall be understood that the work to be done will not necessarily be limited to within the right-of-way boundaries.

The Commission shall have authority to make or cause to be made any reasonable changes, alternations, amendments and additions to the standard specifications for subdivision roads not to exceed twenty-five percent (25%) of the cost of the work, based on findings by the Commission that justify the change.

### B. Improvements Procedures.

1. Improvement Procedure: After the preliminary plat has received approval or conditional approval and before the final plat is submitted, the following procedure for approval of improvement plans and specifications shall be completed.
  - a. Submittal. Engineering plans and specifications for all improvements required by these Regulations shall be submitted to the Road Department and to MDEQ, if appropriate.
  - b. Review. Plans and specifications shall be locally reviewed by the:

- (1) Road Department, to ascertain that the engineering plans and specifications meet the requirements of these Regulations and other adopted rules and regulations. And when determined by the Road Department to be necessary:
    - (a) Planning department, to ascertain that there have been no significant deviations from the preliminary plat, as approved.
    - (b) Other affected local agencies and utilities.
  - (2) Health Department, to review sanitary facilities which will not be connected to a public system.
- c. Comments and Recommendations. Written comments and recommendations from the local reviewing agencies shall be forwarded to the Road Department within 15 days of submission.
  - d. Approval. After comments and recommendations have been received from local agencies and a certificate of approval of sanitary facilities has been received from MDEQ, the Commission shall either give approval in a printed or stamped certificate on the plans and specifications or shall inform the subdivider in writing as to what additional requirements must be met to receive approval.
  - e. Pre-Construction Meeting. Prior to beginning construction of required road, pathway or trail improvements, the subdivider or a representative, the subdivider's engineer, and the contractor who will install the improvements shall meet with the Road Department to ensure that improvements will be installed in accordance with approved plans and specifications.
  - f. Completion of Improvements. Improvements shall be installed, in accordance with the approved plans and specifications, by the subdivider and certified by an engineer and accepted by the County prior to the approval of the final plat or in accordance with the terms of an executed improvements agreement.
  - g. Improvements Agreements. Only those improvements not essential to human habitation can be completed under an improvements agreement. Non-essential improvements include, but are not limited to, road paving, noxious weed management practices, landscaping, road name signs, park and recreation facilities. Essential health and safety improvements include, but are not limited to, road access to the subdivision, road access to each lot, sewage disposal and water supply facilities, fire protection

facilities, intersection improvements, traffic safety signage. All improvements agreements shall meet the following standards:

- (1) The length of time of the agreement shall be determined by the County Commission.
  - (2) Financial guarantee in the amount equal to one hundred fifty percent (150%) of the cost of the improvement shall be included. The County has the discretion to require a second estimate of the cost of improvements. The cost of obtaining the second estimate shall be borne by the subdivider. Such financial guarantee shall be in the form of a certificate of deposit, letter of credit, or cash. The expiration of the financial guarantee shall not be less than 12 months from the date of the completion of the required improvements as stipulated in the improvements agreement.
  - (3) The agreement and financial guarantee shall be satisfactory to the County Attorney as to form and manner of execution.
  - (4) Financial guarantee for improvements other than internal subdivision roads shall be reduced only upon recommendation of the Road and Bridge Superintendent and approval by the Commission, upon request by the subdivider. Requests for partial release of financial guarantee shall only be in amounts such that the financial guarantee will always equal one hundred fifty percent (150%) of the value of the uncompleted work, as determined by the Road and Bridge Superintendent and such that not more than ninety percent (90%) of the financial guarantee is released prior to completion of improvements.
  - (5) The improvements agreements and, when needed, the financial guarantee shall be placed in the keeping of the Clerk and Recorder.
- h. Individual Sewage Facilities. Where each lot in a subdivision is being served by an individual sanitary system it shall not be necessary to install the system before final plat approval is given. Rather, appropriate permits must be obtained from the Health Department prior to such time as when the system is to be installed.

2. Design Standards:

- a. Roads. All road improvements shall be designed by and constructed under the supervision of an engineer and shall meet or

exceed the standards for the type of road and subdivision required. All road improvements shall be reviewed and approved by the Road Department.

- (1) Construction materials specified may be substituted with other appropriate materials with the approval of the Road Department.
  - (2) Roads within mobile or manufactured home and recreational vehicle parks shall meet or exceed the standards.
  - (3) Following the completion of all required improvements, the subdivider shall have an as built plan prepared. The as-built plans shall be drawn in permanent ink on the original construction plan and profile. The as-built plan shall show the actual location of all improvements as installed, and shall clearly designate any and all changes from the approved plans and specifications, and shall bear the signature and seal of the engineer who prepared it. As-built plans shall be provided to the Road Department.
3. Protection of Existing Improvements: The subdivider, his contractors, and suppliers shall be jointly and severally responsible that existing improvements are not damaged or rendered less useful by the operation of the subdivider, his contractors, or suppliers. This provision is intended to preclude damage to existing roads and drainage systems. The Commission may instruct the subdivider as to the roads to be used for access by construction equipment, and the subdivider shall be responsible for enforcement of this instruction upon his contractors and their suppliers. The Commission may require the subdivider to post a surety to guarantee repair of damages.
4. Control of Work: Requirements of the engineer: During the course of construction, at the completion of each phase of the project, the engineer will be required to submit a statement that the improvements have been inspected and found to have been constructed in accordance with plans and specifications approved by the Road Department. The engineer shall notify and receive written approval or disapproval from the Road Department for any changes in approved plans or specifications.
5. Conformity with Plans and Specifications: All work performed and all materials furnished shall be in substantial conformity with lines, grades, cross sections, dimensions, and material requirements.

### **C. Acceptance of Improvements.**

1. Acceptance of Subdivision Roads and Bridges into the County Road System:
  - a. County Standards. Before any subdivision road or bridge can be accepted into the County road system by the Commission, it shall be built to meet or exceed the standards set by the County. Existing roads or bridges shall be improved to meet or exceed the standards set by the County prior to petition.
  - b. Maintenance of Roads and Bridges. If a subdivision road or bridge has been built to a paved standard approved by the Road Department and the appropriate steps have been taken resulting in the Commission accepting such facility into the road system, the County will then accept responsibility for maintenance and snow removal of that subdivision road or bridge.
2. Acceptance Procedure:
  - a. No road or bridge in a subdivision shall become a part of the county road system unless the Commission are petitioned, as provided by law, by the freeholders to accept such facilities as part of the road system.
  - b. Upon receiving the petition, the Commission will set a date for a hearing.
  - c. All freeholders signing the petition and living on the road will be notified by registered mail of the date of the hearing.
  - d. After the hearing, each freeholder will be notified by registered mail as to the course of action taken by the Commission.
  - e. Acceptance of any subdivision road or bridge shall be made by resolution and entered into the minutes of the proceedings of the Commission in session on that date. Upon acceptance, said road shall be assigned an appropriate name or number. The Commission shall exercise extreme precaution not to burden the County with various duties, expense, and liabilities subsequent to this acceptance.
3. Previously Recorded Subdivisions: Roads and bridges in previously recorded subdivisions may become part of the road system if accepted by the same procedure as set forth in this Section.

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